

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHNNAY RODRIGUEZ,

No. C 10-3064 SI (pr)

Plaintiff,

**ORDER EXTENDING DEADLINES
AND DENYING COUNSEL**

v.

Correctional Sergeant LOCKE,

Defendant.

Plaintiff sent to the court a letter inquiring whether an attorney had been appointed to assist him in this action. Appointment of counsel is not automatic, nor is it the norm in prisoner civil rights actions. A district court has the discretion under 28 U.S.C. §1915(e)(1) to designate counsel to represent an indigent civil litigant in exceptional circumstances. See Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986). This requires an evaluation of both the likelihood of success on the merits and the ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved. See id. Neither of these factors is dispositive and both must be viewed together before deciding on a request for counsel under § 1915(e)(1). Here, exceptional circumstances requiring the appointment of counsel are not evident at this time. The request for appointment of counsel is DENIED. (Docket # 8.)

Defendant filed an ex parte request for a ninety-day extension of time to file a dispositive motion. Upon due consideration of the request and the accompanying declaration of attorney Sharon Garske, the court GRANTS the request. (Docket # 10.) The court now sets the following new briefing schedule for dispositive motions:


1 1. Defendants must file and serve their dispositive motion no later than **May 27,**
2 **2011.**

3 2. Plaintiff must file and serve on defense counsel his opposition to the dispositive
4 motion no later than **June 30, 2011.**

5 3. Defendants must file and serve their reply brief (if any) no later than **July 15,**
6 **2011.**

7 IT IS SO ORDERED.

8 Dated: April 22, 2011



SUSAN ILLSTON
United States District Judge